
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

Steven Marrel Bradshaw,

Respondent,

v.

State of Utah,

Petitioner.

ORDER FOR SUMMARY REMAND

Case No. 2:11-CV-521DAK

Judge Dale A. Kimball

On June 9, 2011, Steven Bradshaw removed this action from the Fifth Judicial District in and for Washington County, State of Utah, case no. 044500245. The state court action is a petition to register a support order.

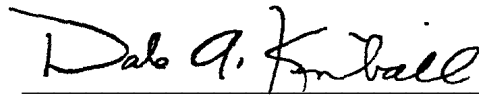
Pursuant to 28 U.S.C. § 1446(c)(4), the United States District Court in which a notice of removal is filed must “examine the notice promptly” and “[i]f it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.”

In this case, the notice of removal is facially improper because this court does not have original jurisdiction over a petition to register a support order. A civil action brought in state court may only be removed to federal court if the action is one that could have been brought originally in federal court. *See* 28 U.S.C. § 1441(a). Although Mr. Bradshaw asserts that removal is proper because the sum certain involves more than \$75,000, to properly support diversity jurisdiction in this court he must also demonstrate that the parties are diverse. The removal states Mr. Bradshaw’s address as Hurricane, Utah. Therefore, he is not a resident of a

state other than Utah and the parties are not diverse. Furthermore, he has not demonstrated any federal question jurisdiction. If Mr. Bradshaw believes there are federal constitutional rights at issue in the state court action, such rights can be asserted as a defense to the registration of the support order and he will have an opportunity to assert the defense in the state court action. However, the notice of removal does not state a basis for this court to exercise original jurisdiction over this matter.

Therefore, this case is REMANDED to the Fifth District Court in and for Washington County, State of Utah. Pursuant to 42 U.S.C. § 1447(c), the clerk of this court shall mail a certified copy of this order of remand to the clerk of said state court.

DATED this 20th day of June, 2011.

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written with a large, prominent "D". The last name "Kimball" is written with a large, prominent "K". The signature is written above a horizontal line.

DALE A. KIMBALL
United States District Judge